

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 03-80244

-vs-

HON: VICTORIA A. ROBERTS

D-22 MARCO ANTONIO PAREDES-MACHADO,

Defendant.

GOVERNMENT’S MOTION TO PERMIT TRIAL IN OTHER DISTRICT

NOW COMES the United States by and through DANIEL L. LEMISCH, Acting United States Attorney, and WILLIAM J. SAUGET, Assistant United States Attorney, and in support of its motion to permit trial in other district states unto this Honorable Court as follows:

1. In this matter the defendant Marco Antonio Paredes-Machado [“Paredes”], a Mexican national who was extradited to the United States, is charged with conspiring to import and to distribute marijuana, and is presently scheduled for trial on February 27, 2018.

2. The government is actively retrieving, investigating, and reviewing discovery materials pursuant to Magistrate Judge Grand’s Order of June 21, 2017

[DOC # 803], and will be doing so for the near future. In this regard, the parties are contemplating the scheduling of depositions pursuant to F.R.Crim.P. 15 in Mexico City, Mexico, on November 28-29, 2017.

3. A co-defendant, Julio LaMadrid, who is represented by Stephen T. Rabaut, Esq., was apprehended in Mexico, extradited to the United States, and was recently arraigned on the indictment in this case.

4. Paredes is also charged in U.S. District Court (District of Columbia) File No. 1:12-cr-00237-RJL (Leon, J.) in an international narcotics conspiracy, in violation of Title 21 U.S.C. §§ 959, 963, and 960. The case is entitled United States v. Jaime Mandujano-Eudave, et al., and is currently pending trial in November, 2017. At the time of Paredes' extradition to the United States in September, 2015, the Government of Mexico only granted his extradition to stand charges in the case in the Eastern District of Michigan. On September 16, 2016, the United States formally requested a waiver of the Rule of Specialty from the Government of Mexico to allow the prosecution of Paredes in the District of Columbia. On July 11, 2017, the Government of Mexico granted the United States' request to prosecute Paredes for the charges pending in the District of Columbia. Based on information and belief, the District Court Judge in the District of Columbia has expressed an interest in conducting a joint trial with Paredes and his co-defendant. The District of

Columbia Judge requested that the Government seek this Court's concurrence to toll speedy trial in the interest of justice in the Eastern District of Michigan case, so that Paredes can face prosecution in the District of Columbia prior to trial commencing before this Court. Paredes' co-defendant in the District of Columbia was extradited to the United States on February 6, 2015, from Spain.

5. In light of the posture of these two prosecutions, allowing the District of Columbia's trial to commence prior to the Detroit trial is prudent. While the District of Columbia case appears ready to proceed to trial, the Eastern District of Michigan case does not. Allowing the District of Columbia case to proceed first, however, would require the issuance of an order waiving the applicable provisions of the Speedy Trial Act, codified at 18 U.S.C. §3161, *et seq.*

6. In accordance with E.D. Mich. LR 7(a) and E.D. Mich. LCR 12.1 on September 22, 2017, concurrence in this motion was sought from counsel for Paredes and concurrence was not obtained. Similarly, on November 1, 2017, counsel for co-defendant, Julio LaMadrid, was contacted and indicated he had no objection to the issuance of an order permitting the trial in Washington, D.C. district court to proceed first.

WHEREFORE, for the reasons set forth above and in the accompanying brief in support of this motion, the United States respectfully moves this Honorable Court

to enter its order adjourning the trial from February, 27, 2018, excluding the time relating to this adjournment from the Speedy Trial Act, and allowing the prosecution of Mr. Paredes in the District of Columbia to commence prior to recommencement of the prosecution of Mr. Paredes in the Eastern District of Michigan.

Respectfully submitted,

DANIEL L. LEMISCH
Acting United States Attorney

Dated: November 1, 2017

s/William J. Sauget
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UNITED STATES OF AMERICA,

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BRIEF IN SUPPORT OF
GOVERNMENT'S MOTION TO PERMIT TRIAL IN OTHER DISTRICT

As set forth in the attached motion, the defendant is charged in two district courts with federal narcotics violations. A February 27, 2018, trial date has been scheduled in the Eastern District of Michigan. The parties are still involved in activity relating to compliance with Magistrate Judge Grand's Order of June 21, 2017. In this regard, the parties are contemplating the scheduling of depositions pursuant to F.R.Crim.P. 15 in Mexico City, Mexico, on November 28-29, 2017. Although there is now a co-defendant, Julio LaMadrid, currently joined for trial, defense counsel for LaMadrid indicated he has no objection to the court entering the requested order. Counsel for Paredes, however, does object.

Mr. Paredes' matter in the District of Columbia is ready to proceed. The District Court Judge in the District of Columbia has expressed an interest in commencing trial there prior to commencement of trial in the Eastern District of Michigan.

Argument

The Speedy Trial Act codified at 18 U.S.C. §3161, *et seq.*, permits excludible delay in bringing matters to trial when “the ends of justice served by taking the action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. §3161(h)(7)(A).

§3161(h)(7)(B) provides

The factors, among others, which a judge shall consider in determining whether to grant a continuance under subparagraph (A) [is]. . .

(ii) Whether the case is so unusual or complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.

Taken together the two prosecutions present a novel situation, which is both unusual and complex. While the District of Columbia case is positioned to proceed to trial, the Eastern District of Michigan's case is not.

WHEREFORE, for the reasons set forth above, the United States respectfully

moves this Honorable Court to issue its order adjourning trial, permitting trial in the District of Columbia to proceed first, and finding the delay attributable to this adjournment excludible from the provisions of the Speedy Trial Act.

Respectfully submitted,

DANIEL L. LEMISCH
Acting United States Attorney

Dated: November 1, 2017

s/William J. Sauget
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CERTIFICATE OF SERVICE

I hereby certify that on Wednesday, November 01, 2017, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Stephen G. Ralls

David R. Cripps

s/William J. Sauget

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